

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

BERTHA BATEY,	)	
	)	
Plaintiff	)	
	)	Case 3:09-1061
v.	)	Judge Trauger/Brown
	)	Jury Demand
AMERIGROUP TENNESSEE, INC.,	)	
	)	
Defendant	)	

O R D E R

The Plaintiff in this matter has filed a motion for provisional damages (Docket Entry 69). This motion is **DENIED**. Both the Magistrate Judge and the District Judge have denied the Plaintiff's motions for the awarding of interim damages (Docket Entries 56, 60, and 64).

The Magistrate Judge understands that the Plaintiff believes that her allegations are accurate and that she is entitled to damages. However, damages are not established or awarded in cases of this nature until there has been a trial and the jury has found in favor of the Plaintiff and awarded actual damages. To the extent the Plaintiff is trying to file a motion for summary judgment, she must follow Fed. R. Civ. P. and Local Rule 56.

The Plaintiff has also filed Docket Entry 70, a list of the discovery matters that are in dispute. The Defendant is directed to review these requests and her objections and file with the Magistrate Judge a response as to why they believe they are entitled to the information they have requested. The Magistrate

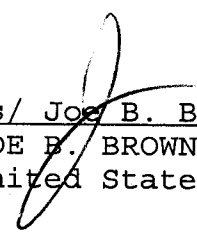
Judge would note that in some cases the Plaintiff states that she does not have such information and that may well end that request.

The Defendants have apparently asked for medical and mental records on the belief that the Plaintiff is seeking damages for medical and mental problems. To the extend the Plaintiff is seeking damages for medical and mental issues, she will normally have to provide releases for relevant information, and if she claims such damages on behalf of her daughter, the daughter's records may also become relevant. If the Plaintiff is not seeking such damages then she needs to state that fact.

Request 13 is for all diaries and journals from 2007, through the present. The Magistrate Judge would suggest that this request is far too broad. The Plaintiff would only have to produce such documents that are related to this case. The Magistrate Judge would suggest that the Defendant, particularly when dealing with a *pro se* Plaintiff, be more specific and avoid sweeping requests, which are clearly beyond the scope of discovery.

Following a response within 14 days by the Defendant, the Magistrate Judge will consider scheduling a telephone conference or an in-court meeting about any remaining discovery issues.

It is so ORDERED.

  
\_\_\_\_\_  
/s/ Joe B. Brown  
JOE B. BROWN  
United States Magistrate Judge